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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,323	08/22/2003	Mark Smolenski	00601-0044US	9692
32116 7590 04/28/2010 WOOD, PHILLIPS, KATZ, CLARK & MORTIMER 500 W. MADISON STREET SUITE 3800 CHICAGO, IL 60661				
EXAMINER				
BATSON, VICTOR D				
ART UNIT		PAPER NUMBER		
3677				
MAIL DATE		DELIVERY MODE		
04/28/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Abandonment**Application No.**

10/646,323

Applicant(s)

SMOLENSKI ET AL.

Examiner

VICTOR BATSON

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 04 October 2007.
- (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- (b) ☒ A proposed reply was received on 11/13/2007, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
- (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
- (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
- (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
- The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
- (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
- (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See Continuation Sheet

/Victor Batson/
Supervisory Patent Examiner, Art Unit 3677Victor Batson
SPE
Art Unit: 3677

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Item 7 - Other reasons for holding abandonment: This notice is also in response to the Request for status of Application (Status Inquiry) filed 1/26/2009, 11/25/2008, & 06/06/2008. In the status inquiries, applicant states that he was advised over the telephone by examiner Rodriguez that the application was allowed, however examiner Rodriguez no longer works at the Office. A review of the record does not indicate that an interview took place, that an agreement was reached or that an allowance was indicated. A search & inquiry was made to determine if examiner Rodriguez left any working folders, but none were found. The primary examiner working with examiner Rodriguez was consulted, however he was not aware of an allowance agreement. The final correspondence from examiner Rodriguez was an Advisory Action mailed 12/10/2007 indicating that the proposed amendment filed 11/13/2007 would not be entered because it raised new issues. Therefore, in view of the last correspondence from the Office (Advisory Action filed 12/10/2007), and the fact that applicant's period for reply has expired, the current status of the application is that the application is abandoned.